उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

74

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

S.B. HON. SHRI JUSTICE DHIRENDRA MISHRA, J

CR.M.P. NO. 53 OF 2006

APPLICANTS

1. Devraj Mukherjee, S/o Prashant Mukherjee, aged about 32 years.
2. Prashant Mukerjee, S/o Hemchand Mukerjee, aged about 69 years.
3. Jayanti Mukerjee, W/o. Prashant Mukerjee, aged about 58 years.

All R/o. Near Hanuman Mandir, Nehru Nagar, Bilaspur District Bilaspur (C.G.)

VERSUS

NON-APPLICANTS

1. State of Chhattisgarh, Through Station In Charge, Mahila Police Station Durg, District Durg (C.G.)
2. Smt. Nivedita Mukerjee, W/o. Devraj Mukerjee, aged about 26 years, R/o. Dixit Colony, House No. 485, Nehru Nagar (East) Bhilai, Dist. Durg (C.G.)

29.8.2007

Shri Sunil Otwani, counsel for the applicants.

The applicants by the instant petition under Section 482 of the Cr.P.C. have prayed for quashing the trial proceedings of

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(75)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 2	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

criminal case No. 1046/04 on the ground that no part of cause of action arose within the jurisdiction of Judicial Magistrate First Class, Durg.

Learned counsel for the applicants submitted that even if allegations present in the First Information Report and the allegations in the charge sheet are accepted in its entirety, it would be evident that there is no allegation that the complainant was subjected to harassment in the name of demand of dowry within the jurisdiction of Court at Bilaspur.

On the other hand, learned counsel for the State/non-applicant No. 1 referring to diary statements of complainant Nivedita Mukherjee and her brother Shubrat Ganguli, has submitted that there is an allegation against the husband Devraj that he telephoned from Delhi and demanded a sum of Rs.50,000/- through his parents and accordingly, on the said demand a sum of Rs.10,000/- was sent by brother of the complainant through demand draft to Delhi, therefore, it cannot be said at this stage that no part of cause of action arose to the complainant within the jurisdiction of JMFC, Durg.

Taking into consideration the allegations present in the charge sheet particularly the statements referred to above by learned counsel for the State, this Court is of the opinion that

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(76)

मामला क्रमांक ..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश 3	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
	no ground pertaining to lack of jurisdiction of the trial Court is made out for interference under Section 482 of the Cr.P.C. In the result, the petition being without substance is hereby dismissed at the admission stage itself. Sd/- DHIRENDRA MISHRA Judge	

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